

Bid to control noisy neighbors placed on hold

*Some say 'unruly gatherings' ordinance
would limit more than just loud parties*

By DAVID McGRATH SCHWARTZ

REVIEW-JOURNAL

After residents and civil liberties advocates expressed concern Tuesday over an ordinance that would make two or more people disturbing the "quiet enjoyment" of others subject to a civil penalty, a city of Las Vegas committee postponed voting on the proposal.

The unruly gatherings ordinance, sponsored by Councilwoman Lois Tarkanian and Councilman Gary Reese, is meant to target chronic "party houses," said City Attorney Brad Jerbic, and was requested by Las Vegas police.

The committee postponed its decision on Tuesday to address community concerns, and to confer with new leadership in the Metropolitan Police Department.

As the ordinance is drafted now, those hosting an "unruly gathering" would initially get a warning from the city's Neighborhood Services Department in the form of a notice posted on the door of the residence.

If there were another unruly gathering within 180 days, the owner, tenant, landlord or others would be subject to a \$150 fine. It would go up to \$300 for the next offense and then \$500.

The city also would be able to go after the costs that city staff and police incur breaking up the parties.

These penalties would be civil, and would be separate from criminal charges that police could pursue for disturbing the peace.

People could appeal declarations of "unruly gatherings"

and fines imposed to the City Council.

But Juanita Clark, president of the Charleston Neighborhood Preservation Corp., said the ordinance needs to be more specific about what qualifies as an unruly gathering.

"I can't believe any person who represents residents would have a bill like this," she said.

Lee Rowland, staff attorney for the American Civil Liberties Union of Nevada, said the ordinance was unconstitutionally vague. Any attempt to recoup costs to government agencies and limit wild parties could be done with a more narrowly focused ordinance, she said.

The proposed ordinance also could be abused by warring neighbors, Rowland said.

"This literally gives the Hatfields and McCoys a way to bring government into their disputes," she said.

Jerbic responded that there are existing laws could be used just as easily by bad neighbors.

Tarkanian defended the ordinance and its intent.

"Women have cried on the telephone to me that there's no way to stop noise," she said. "This protects residents, and came from residents."

She asked that the bill be brought back in 30 days, but Jerbic said city staff might need more time to meet with police personnel.

Jerbic said the city's ordinance was based on laws in Tucson, Ariz., Ventura County and Daly City, Calif., and other places.

Play noise

Submitted at City Council

Date 5/16/07 Item CP

(To; L.V. City Council Members. Fri. 4, May 07, initiated.
Subj: Various Neighbor noises emanating as nuisance to neighbor(s).
Fr: M/M Poliak, L.V. Resident noise sufferance.

1 Greetings;

2 For some time I have desired to discuss with you antique Ordinance: 9.16.005; or I am
3 confused. Is it 3359pdf/3038pdf; code title 9??? As provide and suggested by Sharon Kuhns/
4 Vicki darling. In both instances no follow up specifics, as promised. The bottom line is a broad
5 comprehension review of the entire spectrum of irritating neighbor/neighbor noise exposure to be
6 averted by legal legislative means. Wednesday 2 May 07 the attached R.J article, p. 2B,* referred
7 to document 2007-14 as a revised version that will adjust for today's changes in attitude demeanor
8 pertaining to neighbor noise disturbances disrupting the immediate neighborhood relationship,
9 incited me to expeditiously express a concerned citizens reaction perspective (Job ch. 32:6, etc).
10 After all, I am at ground Zero status. A commoner in the real world of sociology relationship of
11 balancing act you are oblivious to. You often hear people remark adamantly "Its' my Right to do
12 this or that." That may be fine to self gratification inflection. For example : tattoos; smoking;
13 chewing tobacco; alcoholic; drugs; trousers below the gluteus maximus;(a jester of mooning) or
14 for that matter goofy hair dodos and expletive vernacular, (2nd Timothy ch. 3). Probably you can
15 add others. The fact is, and not to be minimized, is a very little known axiom:" Your rights end!!!
16 ---Where mine begins!!!."** Lee Rowland of ACLU, anxiously demonstrated his ignorance of
17 spontaneous rebuttal to the City's intent is contrary to constitutionality will lose this argument as
18 too the inference of Hatfield/McCoys retaliation is erroneous, (Eccl. ch. 9:11). Nations establish
19 air space restrictions as territorial sovereign rights. The same applies to aqua vessels entry beyond
20 a longitude/latitude distance from that nations boundary. In retrospect, lets explore this axiom
21 statement** affect as to individuals being subjected by another personal viewpoint without
22 protocol consent. A individual example experience of rights violation : there was a time when my
23 driver would decide to work through our allowed lunch break without consulting me. Since, as a
24 minority employee, I had no artillery support from my Union or employer , previously known as
25 Silver State Disposal, I was powerless to object. With , Republic Services corp. rules are more
26 somewhat equally applied without bias as was obstructed with Richie Isola. The drafter of our
27 constitution Thomas Jefferson possessed the wisdom to insert these provisions: LIFE;+ Liberty+
28 and the pursuit of HAPPINESS+. Being helplessly subjected to the whim of our neighbor loud
29 music or other noise that reverberates the walls of our house deprives us of each of the afore
30 mentioned relative equation+ factors. Rudely and deliberate selfish infringement disturbing others
31 is Not a First Amendment Right. It can lead to hostile offense. You have read instances of road -
32 rage. People can just as easily react adversely to neighbor inflicted noise-rage by spontaneous
33 violence, given the right circumstance situation precipitation. If, the predicament is not defused to
34 neutral by neighbor reasoning understanding co-operation or Police summons. About 45 or so
35 years past, I purchased a book : "Ye are God's. " I have come to realize this caption applies to each
36 and ever elected official- Genesis, ch. 3:5. Perplexing???, God questions Cain as to Able' status?
37 Surprisingly!!! God had no retort but to banish Cain from Eden to misery and death. (I am
38 inclined to believe the idea to commute a person to life imprisonment is deduced from this decree
39 issued from God to Cain). However, Elected officials are guardians of the populace they
40 represent: Genesis ch. 4:9. Certainly, your elected position is one of abnegation. The current
41 municipal noise ordinance is not effective, helter-skelter—obsolete. Our Health; Safety and

P. (1) d (3)

welfare is jeopardized by being subjected to various sustained objectionable tortures: loud erratic sounds obliviously emanating from our neighbors. In the past I have civilly, tactfully, meekly (figuratively: kissed their ass) appealed to those neighbors who insist to impose their incessant loud sounds upon us to "please turn it down". Their reception usually is hostile and now forces me to call 229-3111 for interceded. However, nothing is smoothed over by police intervention. I have had police officers tell me that its only a birthday party for kids. What??? Beyond 7 P/m;?8 P/m;? 9P/m;? 10 P/m;?11P/m; 12P/m; sometime to 1 A/M or extended in the morning??? At what point of time shall this neighborhood disturbance CEASE??? Make it mandatory the resident habitant are not to be utilized as the fiesta area beyond a certain time frame. Public park or banquet hall facility shall be the venue for such activity. During the entire ordeal my body demand for a normal restful sleep is interrupted. I am frustrated, angry and I am dragged out during my job or my off day, because my physiological sleep requirement was interfered by my neighbor insistence to do "Their own thing," regardless. Such action as disturbing their neighbors may be an accepted custom in their former homeland and grittently tolerated even by their common tongue Spanish neighbors, here. However, traditionally, indigenous Americans have, in my generation, always conducted birthday celebrating or guest /family gatherings, during day light hours and music if any was low keyed. Confined to the immediate property. Decibel not noticeable to our neighbors, Mathews ch.22:39. (Do to others as you would have them do to you.) Today!!! The problem peculiarity is with the influx of Spanish(illegal)immigrants. (incidentally, I am a naturalized U.S. citizen in compliance with legal standards) Astonishingly, they can not even exert the effort to communicate or understand rudimentary English; AND DON'T GIVE A DAMN!!! as to neighbor relationship and insist to impose their noise self gratification` upon others,--- Period!!! You can not put a time frame to noise disturbances confined between these or these hours. Noise is distraction and annoying, interference to others surroundings. If a tree falls upon the ground in the wilderness, is it considered noise? No!!! Since human ear is absent. In this 24 hour town people require sleep dependency as to their shift. Furthermore, a factor not even considered is people with physical impairment. For instance my capable, remarkable, wonderful wife is a victim of heart surgery and submits to sleep contradictory to normal sleep habit. Consequently, excessive, persistent sustained loud noise projecting from our neighbor(s) causes her tremendous stress; fatigue; headaches; body twitching as a result of abusive mentality neighbors. Not to minimize independent circumstances, prevailing noisy sounds from crass neighbors must STOP!!! You are able to enforce curfew beyond certain hours also you can cite to prevent motorist blaring loud music or noisy mufflers as distractions, obviously you can put legal teeth to suppress redundant,! absurd,! ridiculous,! annoying,! PERSISTENT SELF GRATIFICATION obnoxious,!!! neighbor resident noise. Fine them too!!! As is expressed in Spanish; Basta Ya! Basta Ya! Basta Ya! The next time my neighbors invade my entitlements+ I resolve to file a written complaint and pursue whatever legal remedy available to cease and desist continued neighbor noise harassment infiltrating my inherent residence rights+. Hopefully you will insert such recourse measures in your revised Noise Ordinance finalization. It is not a replica attempt imposition of the Patriotic Act as Juanita infers.. Sometimes in social intercourse you have to resort to the only language me-ism people understand- express or apply yourself just as abruptly, in Adult- harshness with these animals(animals act by instinct not reason) in the only language they understand- reciprocal aggression; and from personal experience than they realize this is a imminent formidable confrontation with a upset human Adult. (1Co.ch 13-11). Your empathy to the implement of a more inclusive descriptive legislature as to neighbor noise infringement is

87 essential to assure peace and tranquility between neighbors. We can consider other states noise
88 legislature definition. What is good for the goose is not necessarily good for the gander. Be
89 pragmatic . Council women Tarkanian echos the anguish and lament of residents resent to neighbor
90 noise defiance. reminds me of a account at Gen. ch. 18:20. Final edit: Tuesday 15 May 07,
91 submitted, 16 May 07. Texsano@cox.net Or 326-1431, M/M Poliak

92
93 PS: Want to touch upon one other aspect of noise. Reference code title 9.16.040-J. Should be
94 ubiquitous residential pick up schedule, 6:30am-7:pm. Why are certain residential refuse pick up
95 conducted at 9 pm-1am to awaken all the residents within that tract from sleep by noise garbage
96 truck operation in process? To resume a normal sleep mode is impossible. Other areas are serviced
97 , beginning at 6:30am which is when people normally begin to arouse and no objections.
98

incl. (1) ch.9.16, etc. etc. etc., NOISE
(2) RJ , 2-b

Carol Poliak Esq

Citizens, Nevadans, council members ; lend me your ears- listen to me. I have sacrificed a days pay to be present today, a pound of flesh. My name is Poliak! Acknowledged, you have had a taxing schedule. With all due consideration, I shall be succinct The purpose of my attendance is to balance the firing line. To arrest the assault of sleepwalker critics nitpicking your intent to introduce a revamped noise ordnance more tailed to the current needs of countering neighbor noise infringement upon neighbor. A picture or for that matter written thought, is worth more than a thousand verbal words. For your leisure perusals I have prepared a hard copy dissertation that reflect anonymous and personal objection of noisy neighbor disturbances affecting adjacent neighbor rights to tranquility. Be open minded to communicate with me for any embellishment of specific syntax thought conveyance. (Job ch. 32:6 etc., etc., etc., applies introspectively are you willing to listen. submit copies

Dues; copies; ..1 p/m meeting

collected at the same time and in the same manner as ordinary taxes are collected, and shall be subject to the same penalties and procedure and sale in case of delinquency as provided for ordinary property taxes. All laws applicable to levy, collection and enforcement of property taxes shall be applicable to such assessment.
(Ord. 3423 § 4, 1989; Ord. 3195 § 3 (part), 1985)

9.12.180 Violation of Sections 9.12.030, 9.12.050, 9.12.060 or 9.12.070 — Penalty. Any person who violates or fails to comply with any of the provisions of Sections 9.12.030, 9.12.050, 9.12.060 or 9.12.070 of this Chapter is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, imprisonment in the City Jail for not less than thirty days or more than six months, or both. Every day of such violation constitutes a separate offense.
(Ord. 3450 § 1, 1989; Ord. 3195 § 3, 1985)

Chapter 9.16

NOISE

Sections:

- 9.16.005 Definitions.
- 9.16.010 Prohibited noises—Exceptions.
- 9.16.020 Detrimental noises prohibited.
- 9.16.030 Enumeration of prohibited noises.
- 9.16.040 Exemptions from chapter provisions.

9.16.005 Definitions. As used in this Chapter, unless the context otherwise indicates, the following terms shall have the meanings that are ascribed to them as follows:

(A) "Demolition" means any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar property.

(B) "Emergency" means an occurrence or set of circumstances that involves actual or imminent physical trauma or property damage which demands immediate action.

(C) "Emergency work" means any work that is performed for the purpose of preventing or alleviating the physical trauma or property damage that is threatened or caused by an emergency.

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9.16.010

(D) "Muffler or sound dissipation device" means a device for abating the sound of escaping gases of an internal combustion engine.

(E) "Noise" means any useless sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

(F) "Noise disturbance" means any sound which is unreasonably loud, disturbing or unnecessary or which endangers or injures the health of humans or annoys or disturbs a reasonable person of normal sensitivities.

(G) "Public right-of-way" means any street, avenue, boulevard, highway, sidewalk, alley or similar place which is owned or controlled by a governmental entity.

(H) "Public space" means any real property or structures thereon which is owned or controlled by a governmental entity.

(Ord. 3359 §§ 1, 2, 1988)

9.16.010 Prohibited noises — Exceptions. Subject to the provisions of this Chapter, no person shall make, cause, create or continue any noise disturbance within the corporate boundaries of the City. Noncommercial public speaking and public assembly activities that are conducted on any public right-of-way or in any public space shall be exempt from the operation of this Chapter.

(Ord. 3359 § 3, 1988; Ord. 2100 § 3 (part), 1980; Ord. 412 § 1 (part), 1950; prior code § 6-1-24 (part))

9.16.020 Detrimental noises prohibited. Noise of such character, intensity or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare is prohibited.

(Ord. 2100 § 3 (part), 1980; Ord. 412 § 1 (part), 1950; prior code § 6-1-24 (part))

9.16.030 Enumeration of prohibited noises. The following acts, among others, are declared to be noise disturbances and noises in violation of, and unlawful under, this Chapter, but this enumeration shall not be deemed to be exclusive:

(A) The sounding of any horn or signal device on any automobile, motorcycle or bus while it is in motion except as a danger signal if another vehicle is approaching apparently out of control or, if in motion, only as a danger signal after the brakes have been or are being applied and the deceleration of the vehicle is intended, the creation by means of any such horn or signal device of any unreasonably loud or harsh sound or the sounding of such horn or device for an unnecessary and unreasonable period of time.

→ (B) Operating or playing, or permitting the operation or playing of, any radio, television, phonograph, stereo, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound in such a manner as to create a noise disturbance:

(1) To any person who resides or works in the vicinity. The operation or playing of such radio, television, phonograph, stereo, drum, musical instrument, sound amplifier or similar device in such a manner or at such a volume as to be plainly audible to the human ear at a distance of fifty feet from the source of the noise shall be prima facie evidence of a violation of this Chapter; or

(2) At a distance of fifty feet from such radio, television,

phonograph, stereo, drum, musical instrument, sound amplifier or similar device when it is played or operated in or on a motor vehicle that is on any public right-of-way or in any public space.

This subsection shall not apply to any noncommercial spoken language that is subject to Subsection (K) of this Section.

(C) Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of eleven p.m. and seven a.m., or at any time or place in such a manner or at such a volume as to annoy or disturb the quiet, comfort or repose of any person in any hospital, dwelling, hotel or any other type of residence or of any person in the vicinity.

(D) The keeping of any animal, bird or fowl which, by causing frequent or long-continued noise, disturbs the comfort or repose of any person in the vicinity.

(E) The use of any automobile or motorcycle so out of repair, so loaded or in such manner as to cause loud and unnecessary grating, grinding, rattling or other noises.

(F) The blowing of any steam whistle that is attached to any stationary boiler except to give notice of the time to begin or stop work, as a warning of fire or other danger or upon the request of the proper authorities of the City.

(G) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motor boat engine except through a muffler or other sound dissipation device which will effectively prevent loud or explosive noises therefrom.

(H) The erection, including the excavation, demolition, alteration or repair of any building in any new or existing residential district or section, or the excavation of any street or highway in any new or existing residential district or section other than between the hours of seven a.m. and six p.m. except in the case of urgent necessity in the interest of public health and safety and then only with a permit from the Director of the Department of Building and Safety, which permit may be granted for a period not to exceed thirty days while the emergency continues. If the Director of the Department of Building and Safety should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building, or by the excavation of any street or highway, in any new or existing residential district between the hours of six p.m. and seven a.m., and if he further determines that loss or inconvenience would result to any party in interest in such erection, demolition, alteration or excavation, he may grant a permit for such work to be performed between the hours of six p.m. and seven a.m. upon an application being made therefor at the time that the permit for such work is issued or at any time during the progress of such work.

9.16.040

(I) The creation of any excessive noise on any street that is adjacent to any school, institution of learning, church or court while the same is in session, or is adjacent to any hospital, which unreasonably interferes with the working or sessions thereof or the persons therein.

(J) The loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans or similar objects between the hours of eleven p.m. and seven a.m. in such a manner as to project a noise disturbance across the boundary of any residential real property.

(K) The use or operation for any purpose of a loudspeaker, public address system, or sound amplification device in connection with any radio, phonograph, tape recorder, microphone or similar device:

(1) In such a manner or at such a volume as to project a noise disturbance across the boundary of any real property;

(2) Between the hours of eleven p.m. and seven a.m. on any public right-of-way or in any public space; or

(3) On a truck or other vehicle, either moving or standing, for advertising or any other purpose.

(L) The offering for sale or selling of anything by shouting or outcry within any residential or commercial area of the City.

(M) The repairing, rebuilding, modifying or testing of any motor vehicle, motorcycle or motorboat in such a manner as to project a noise disturbance across the boundary of any residential real property.

(N) The intentional sounding or permitting the sounding outdoors of any fire, burglar or civil defense alarm, siren, whistle or similar stationary emergency signaling device except for emergency purposes or for the testing, between the hours of eight a.m. and six p.m., of:

(1) A stationary emergency signaling device; provided, however, that each such test shall be performed at the same time of day, and any such testing shall use only the minimum cycle test time, which, in no event, shall exceed sixty seconds.

(2) The complete emergency signaling system, including the functioning of the signaling device and the personnel response to the signaling device; provided, however, that such testing shall not be performed more than once in each calendar month.

(O) The sounding or permitting the sounding of any exterior burglar alarm or any motor vehicle burglar alarm unless such alarm is automatically terminated within fifteen minutes after its activation.

(Ord. 3359 § 4, 1988; Ord. 2100 § 3 (part), 1980; Ord. 1890 § 1 (part), 1977; Ord. 1745 § 1 (part), 1975; Ord. 412 § 1 (1), 1950; prior code § 6-1-24(A — K))

9.16.040 Exemptions from chapter provisions. None of the terms

or prohibitions that are contained in this Chapter shall apply to or be enforced against:

(A) Any vehicle that belongs to, or is used by, the City or its authorized garbage collection contractor while it is engaged in any necessary public business;

(B) The excavation or repair, or both, of streets, highways or bridges that are made during the night by or on behalf of the City, Clark County or the State, if the public welfare and convenience renders it impracticable to perform such work during the day;

(C) The emission of sound to alert persons to the existence of an emergency;

(D) Sounds that are emitted in the performance of emergency work;

(E) The holders of special event permits that have been issued by the City; or

(F) Civic functions, including without limitation parades, concerts, athletic events, group use of public facilities and other public gatherings for which a license or permit has been issued pursuant to any chapter of this Code.

(Ord. 3359 § 5, 1988; Ord. 2100 § 3 (part), 1980; Ord. 1890 § 1 (part), 1977; Ord. 1745 § 1 (part), 1975; Ord. 412 § 1 (2), 1950; prior code § 6-1-24(L))

Chapter 9.20

SMOKING REGULATIONS

Sections:

9.20.010 Prohibited where—Exceptions.

9.20.020 Display of notice required.

9.20.010 Prohibited where — Exceptions.

(A) It is unlawful for any person, firm, corporation or association, managing, controlling or presenting shows of any kind in any theater building, motion picture theater, including projection rooms, to allow or permit any person to smoke within the confines of the building except in restrooms or in a lounge provided by the theater, completely enclosed and separated from the main seating room.

(B) This Section shall not be deemed to make it unlawful for a performer to smoke upon the stage during and as a part of any theatrical production.

(Ord. 1690 § 1 (part), 1974; Ord. 481 §§ 1, 2, 1952; prior code § 7-5-1)